



# NOTICE OF LAND USE DECISION

**You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.**

Coos County Planning  
60 E. Second  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Wednesday, March 29, 2023**

File No: ACU-23-007

Proposal: Request for Single Family Dwelling in the Beaches & Dunes, Coastal Shoreland Boundary, Floodplain, and Natural Hazard – Earthquake & Liquefaction Overlay Zones; Variance to General Siting Standards (7)(b) Setbacks.

Applicant(s): Brian Patridge c/o Coasty Ventures LLC  
300 E. Barnett Rd.  
Medford, OR 97501

Staff Planner: **Chris MacWhorter, Principal Planner**

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Thursday, April 13, 2023**. Appeals are based on the applicable land use criteria. *Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions and Article 6.1 Lawfully Created Lots or Parcels. The Dwelling Review is subject to Article 4.3.200.25 Zoning Tables for Urban and Rural Residential, Mixed Commercial-Residential, Industrial, Minor Estuary and South Slough; Section 4.3.220 Additional Conditional Use Review Standards criteria. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. **Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.***

**Subject Property Information**

Account Number: 69804  
Map Number: 23S1335BC-02100

Property Owner: COASTY VENTURES LLC  
123 SUNNYVIEW DR  
ASHLAND, OR 97520-2061

Situs Address: 73773 CRANNOG RD NORTH BEND, OR 97459

Acreage: 0.34 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Development Considerations and Overlays: BEACHES/DUNES - LIMITED (BDL)  
COASTAL SHORELAND BOUNDARY (CSB)  
FLOODPLAIN (FP)

This notice shall be posted from March 29, 2023 to April 13, 2023

NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION  
(NHEQL)NATURAL HAZARD - EARTHQUAKE -  
LIQUEFACTION (NHEQL)

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The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter St, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

The application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/community-dev/page/applications-2023>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Chris MacWhorter, Principal Planner and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: Chris MacWhorter Digitally signed by Chris MacWhorter  
Date: 2023.03.28 16:30:20 -07'00' Date: Wednesday, March 29, 2023 .  
Chris MacWhorter, Principal Planner

**This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.**

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map & Template Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report -Findings of Fact and Conclusions

Exhibit D: Comments Received (none received)

## **EXHIBIT "A"**

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicant(s) and that the applicant(s) are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

### **CONDITIONS OF APPROVAL**

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
  - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
  - b. Section 4.11.132.4.4.a: Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.
  - c. Section 4.11.132.4.4.e: All new and replacement structures shall use non-combustible or fire-resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
  - d. Section 4.11.132.4.4.h: If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
  - e. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single-family dwelling.

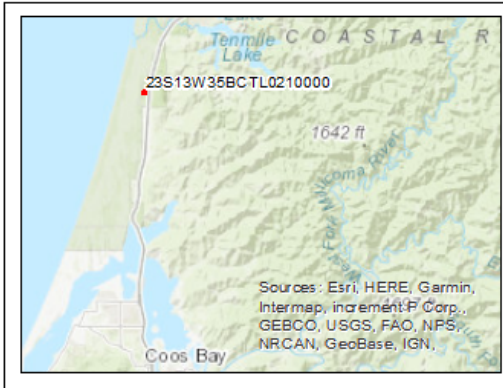
- f. A post-construction report, from an Oregon Certified Engineering Geologist or an Oregon Professional Engineer with a Geotechnical Engineer certification, is required that states all recommendations of the Geologic Site Evaluation Report have been complied with.
  - The post-construction engineering report shall certify that the foundation of the mobile home is indeed designed and constructed suitable for the soil and subsurface conditions. This report must be signed and stamped by either a licensed Oregon Professional Engineer with a Geotechnical Engineer certification, or a Certified Engineering Geologist and state CEG qualifications to design a foundation.
  - The zoning compliance letter will only be conditionally approved. Failure to provide a post-construction report, with from an Oregon Certified Engineering Geologist or Oregon Professional Engineer with Geotechnical Engineer certification will invalid this conditional use approval.
- g. This conditional use approval shall expire on June 28, 2026 unless the conditional zoning compliance letter and post-construction engineering report is finalized and return.
- h. Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
- i. The applicant shall remove, and provide proof, that the existing unpermitted accessory structures developed in the floodplain, or bring these accessory structures into compliance with an application to develop in the Special Flood Hazard Area approval prior to requesting this application's zoning compliance letter.
- j. The applicant will be required to replant the 50 feet riparian buffer abutting Saunders Lake with native vegetation. Proof of the replanting will be required prior to requesting a zoning compliance letter. The applicant will need to provide proof that the vegetation is successful reestablished prior to requesting the final building inspection.
- k. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.

**EXHIBIT "B"**  
**Vicinity Map**

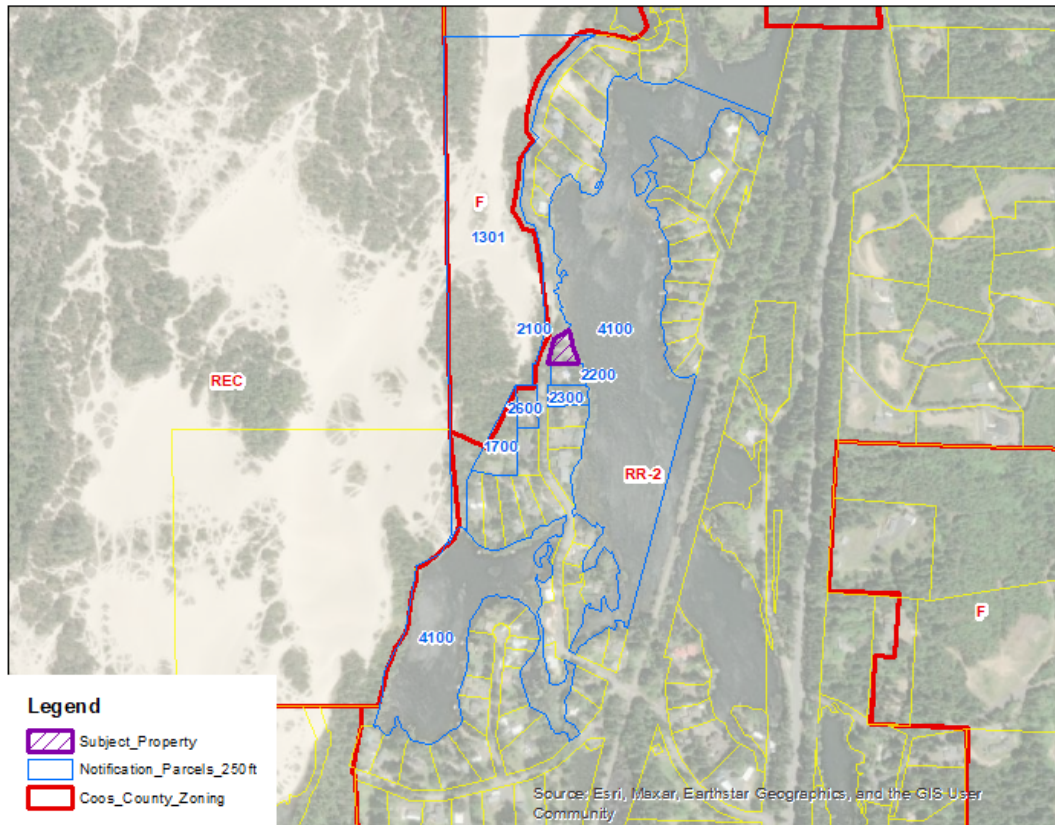


**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 225 N. Adams, Coquille, Oregon 97423  
Physical Address: 60 E. Second, Coquille Oregon  
Phone: (541) 396-7770  
TDD (800) 735-2900



File:	ACU-23-007
Owner:	Coasty Ventures LLC
Date:	March 16, 2023
Location:	Township 23S Range 13W Section 35BC TL 2100
Proposal:	Administrative Conditional Use



**EXHIBIT “C”  
STAFF REPORT  
FINDINGS OF FACT AND CONCLUSIONS**

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION AND PRIOR COMPLIANCE:**

**A. PROPOSAL:** According to the application the property owner is seeking approval for a conventional single family in the Beaches & Dunes with Limited Development Suitability, Coastal Shoreland Boundary, Floodplain and Natural Hazard – Earthquake & Liquefaction overlay zone. The applicant is also requesting a variance to Section 4.3.225 General Siting Standards (7)(b) Setback requirements on one side of the dwelling. The site previous was developed and according to the application, the applicant plans on utilizing the existing driveway access, well, and possibly septic drain field. The application and plot plan indicated that the applicant plans to remove the three existing accessory structures. Staff could not find land use authorization for all of the existing accessory structures. There is no indication that any other development is proposed at this time.

**B. BACKGROUND/PROPERTY HISTORY:**

A Site Plan (File # SP-84-9) was approved on July 18, 1984 for a dwelling in Beaches and Dunes with Limited Suitability Special Development Consideration.

On August 7, 1987, a verification letter (VL-87-382) was issued to alter existing dwelling.

In 1990, according to Coos County Assessor records, there was a 1970 Manufactured Home on the subject property.

On May 15, 2009, a zoning compliance letter (ZCL-09-135) to replace the existing Manufactured Home with a new Single Family Dwelling and Accessory Structure (garage).

In 2010, according to Coos County Assessor records, the 1970 Manufactured Home on the subject property was removed from the tax rolls.

On July 31, 2017, an alleged violation letter to property owner regarding multiple RVs.

On April 1, 2021, an alleged violation regarding RV park and removal of riparian vegetation.

On September 24, 2021, an Administrative Conditional Use application for Single Family Dwelling in Beaches and Dunes with Limited Development Suitability overlay zone. Application deemed incomplete due to missing information. The application did not include proof the applicant had the authority to sign the application. The application was also missing a detailed plot plan. Application voided on 181<sup>st</sup> day due to missing information.

**C. LOCATION:** The subject property is located northwest of the rural community of Hauser on Crannog Road. The subject property abuts Saunders Lake.

**D. ZONING:** - This property is zoned Rural Residential-2.

SECTION 4.2.100 RESIDENTIAL

Rural Residential (RR)

*There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.*

*The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.*

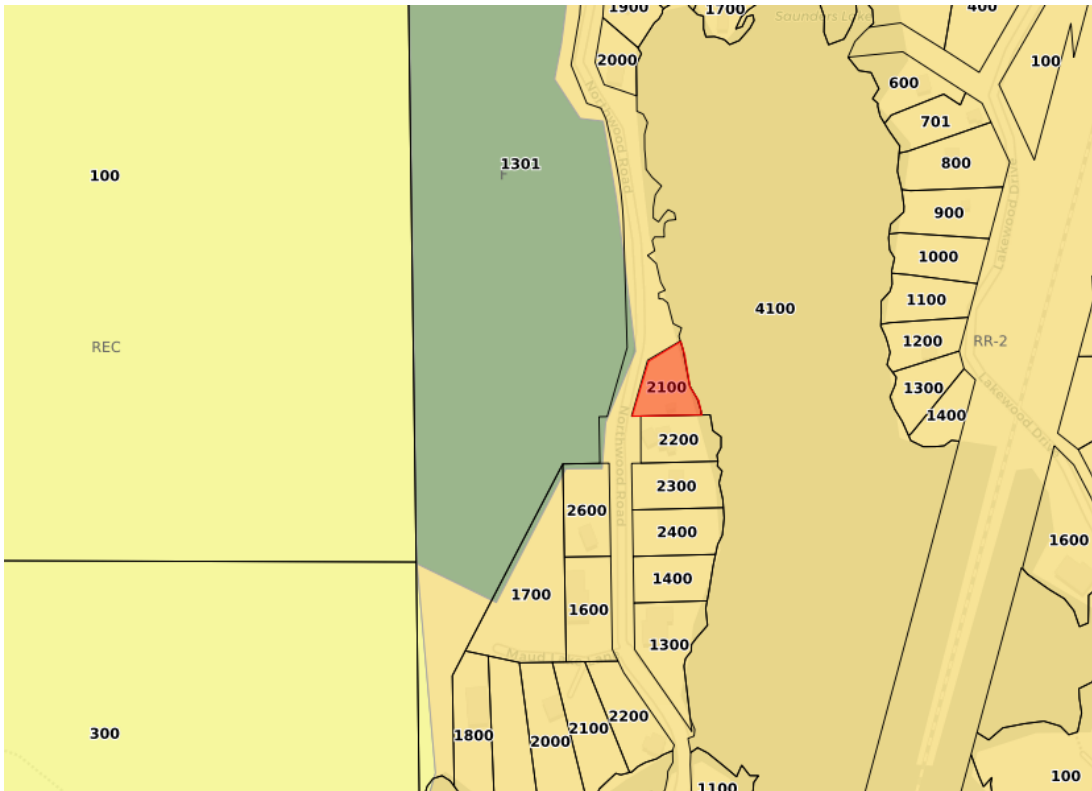
*The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.*

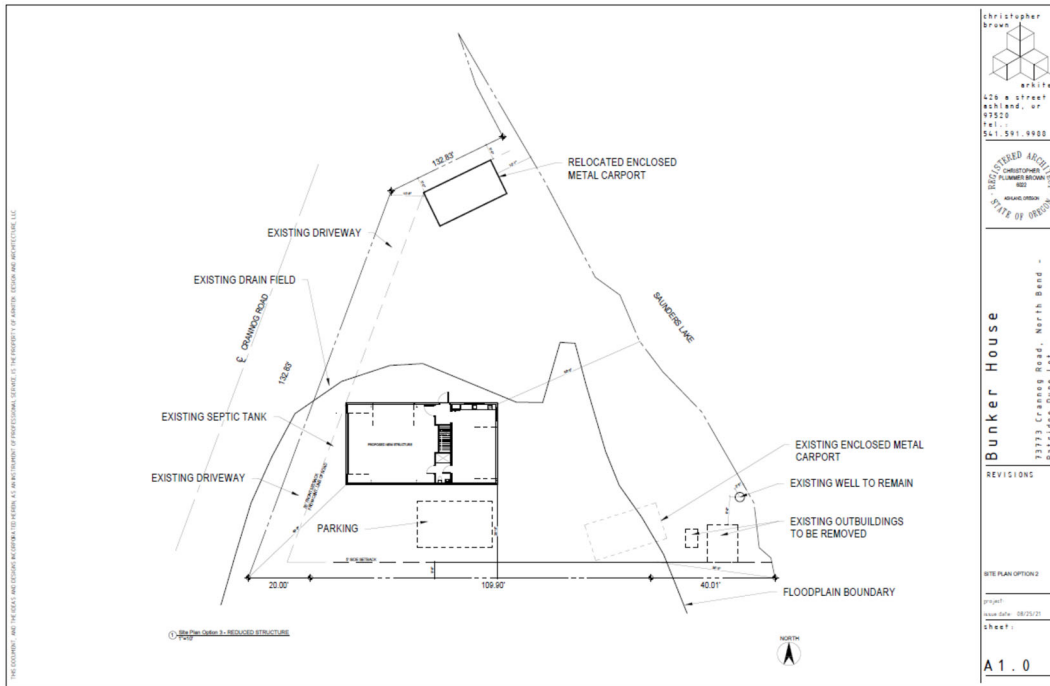
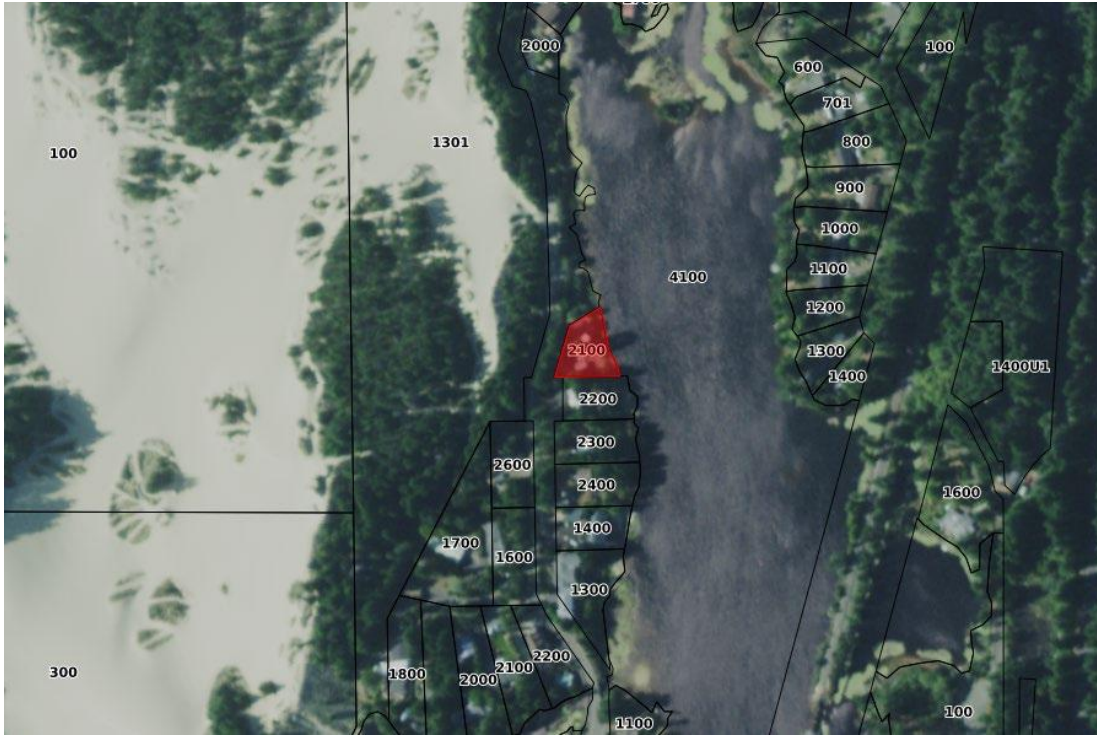
*The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.*

**E. SITE DESCRIPTION AND SURROUNDING USES:**

The subject property is located north of the Rural Unincorporated Community of Hauser, on the west side of Highway 101. The subject property is surrounded by Rural Residential-2 properties. The subject property is accessed off of Crannog Road, which is on the westside of Hwy 101. The subject property directly abuts Saunders Lake.

There are rural residentially development properties located north and south of the subject property. There are Forest Service lands located west of the subject property. These Forest Service lands are covered in open sand dunes and sparse forest vegetation. Saunders Lake is the eastern boundary of the subject property.





Maps are not to scale

**F. COMMENTS:**

- a. **PUBLIC AGENCY:** This property did not require any request for comments prior to the release of the decision and none were received.

- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision and none were received.

**II. GENERAL PROPERTY COMPLIANCE:**

**A. COMPLIANCE PURSUANT TO SECTION 1.1.300:**

*It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.*

**FINDING:** Staff has reviewed the property history. The subject property was recently in violation due to the unauthorized use of an RV park and removal of riparian vegetation. Based on review of historical aerial imagery, the County determined at the time of this report this property is not in compliance; however, upon completion of this application the property will be in compliance.

Below is a February 2006 aerial imagery (from Google Earth) of the subject property showing the riparian vegetation along Saunders Lake.



A May 2013 (from Google Earth) aerial imagery of subject property clearly shows the removed riparian vegetation along Saunders Lake.



The landowner will have to replace the 50 feet of riparian vegetation abutting Saunders Lake with native vegetation. This will be made a condition of approval.

**B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

**C. “Lawfully established unit of land” means:**

*1. The unit of land was created:*

- a. Through an approved or pre-ordinance plat;*
- b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING: The unit of land was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning and subdivision or partition ordinances or regulations that prohibited the creation. This property was found to be lawfully created thru deed 69-2-35895. Therefore, at the time of this report the unit of land are lawfully created.**

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is a request for a Planning Director Approval of the placement of a new Conventional Single Family Dwelling in Rural Residential-2 Zoning district and within the Beaches & Dunes Area with Limited Development Suitability, Coastal Shoreland Boundary, and Natural Hazards –

**Earthquake & Liquefaction Special Development Considerations.. The proposed development will be outside of the mapped Floodplain, based on the submitted plot plan.**

**B. KEY DEFINITIONS:**

*ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*

*COASTAL SHORELAND AREA: The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of nonaquatic vegetation, which is also known as the Section 404 Line.*

*DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*

*DEVELOPMENT: The act, process or result of developing.*

*DUNE, CONDITIONALLY STABLE: A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.*

*LOT, PARCEL, OR TRACT FRONT LOT LINE: In the case of an interior lot, parcel, or tract, a line separating the lot, parcel or tract from the street; in the case of a corner lot, parcel or tract, a line separating a lot, parcel or tract from the street on which the improvement or contemplated improvement will face.*

*USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*

*ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*

**ZONING TABLES FOR URBAN AND RURAL RESIDENTIAL, MIXED COMMERCIAL-RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MINOR ESTUARY AND SOUTH SLOUGH**

**SECTION 4.3.200 Residential Uses – This category is for uses and structure for human occupancy as living quarters**

	RR-2	Subject To
30. Dwelling- Single Family Conventional	CD	(27)(k)

**SECTION 4.3.210 – CATEGORIES AND REVIEW STANDARDS**

*(k) Single family dwelling- A single household unit. Construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise allowed by under this ordinance.*

**FINDING: According to the application the property owner is seeking approval to site a new Single Family Dwelling on parcel in the Rural Residential-2 (RR-2) Zoning district. The conventional Single Family Dwelling is typically permitted in RR-2 zoning district as a compliance determination subject to**

condition 27 (k) in Section 4.3.210. An Administrative Conditional Use application is only required to address the development within the Beaches & Dunes Area with Limited Development Suitability, Coastal Shoreland Boundary, and Natural Hazard – Earthquake and Liquefaction Special Development Considerations. There is also a Floodplain overlay zone on the subject property. There has been past development, without permits, of accessory structures in the floodplain. These structures will be required to be removed prior to the issuance of a Zoning Compliance Letter or after the fact development permits obtained. There is no indication that any other development is proposed at this time.

The applicant's plot indicated they plan on a 30 feet setback from the southern property line. The plot plan indicates the closest edge of the new structure will be 50 feet from Sanders Lake. The proposed dwelling will be 43 feet 6 inches from the southwest corner of the property. The plot plan indicates the proposed structure is 10 feet from the western boundary line, which is the Crannog Road right-of-way. This setback distance from the western property line will require a variance, which is addressed below. According to both the site investigation report included with the application and plot plan, the proposed dwelling meets the definition of Dwelling- Single Family Conventional. Therefore, these criteria have been addressed.

- **SECTION 4.3.225 GENERAL SITING STANDARDS**

*All new USES, activities and development are subject to the following siting standards:*

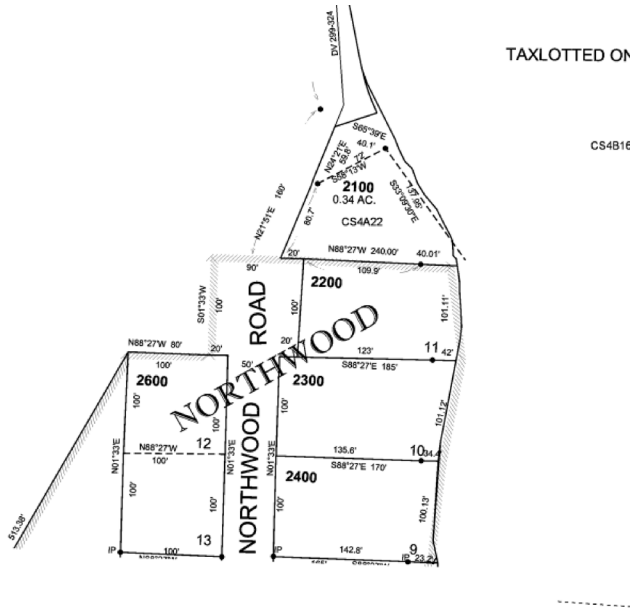
- (1) *Agricultural and Forest Covenant - Any applicant for a dwelling permit adjacent to a Forest or Exclusive Farm Zone shall sign a statement on the Compliance Determination or Zoning Clearance Letter acknowledging that: "the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner's enjoyment of his or her property.*
- (2) *Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.*
- (3) *Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:*
  - (a) Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.*
  - (b) Where used as a temporary sales office for manufactured structures; or*
  - (c) As part of an approved home occupation. [OR-92-07-012PL]*
- (4) *New lots or parcels - Creation of lots or parcels, unless it meets the circumstances of § 5.6.130, shall meet the street frontage, lot width, lot depth and lot size. Minimum road frontage/lot width shall be met unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:*
  - (a) Minimum Street frontage should be at least 30 feet; and*
  - (b) Minimum lot width and Minimum lot depth is 50 feet.*

*Minimum parcel/lot size cannot be waived or varied unless otherwise provided by a specific zoning regulation. Tax lot creation and consolidations do not change the legally created status of a lot or parcel.*
- (5) *Parking - Off-street access, parking and loading requirements per Chapter VII apply.*
- (6) *Riparian -*
  - (a) Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except:*
    - i. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*

- ii. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
  - iii. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
  - iv. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
  - v. *Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
  - vi. *Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
  - vii. *The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration is not more than 100% of the size of the existing structure's "footprint".*
- (b) *Riparian removal within the Coastal Shoreland Boundary requires an Administrative Conditional Use application and review. See Special Development Considerations Coastal Shoreland Boundary.*
- (c) *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
- (7) *Setbacks:*
- (a) *All Development with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater. This setback may be greater under specific zoning siting requirements.*
  - (b) *Firebreak Setback - New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
- (8) *OUTDOOR STORAGE IN RESIDENTIAL ZONES (a) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use; (b) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings; (c) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.*

**FINDING: The application submitted a driveway and parking form with the application. This shall be signed off by the Roadmaster or designee prior to receiving a Zoning Compliance Letter. The Riparian Area requires a 50 feet riparian setback from Saunders Lake. The property also has a wildfire requirement. Based on the proposed location of the dwelling, the applicant will be required to maintain a 30 feet vegetation management area that will encroach into the CSB. This will still**

provide a 20 feet riparian buffer against Saunders Lake. The applicant shall comply with the outdoor storage regulations in residential zones. The applicant is not proposing any creation of new parcels. The proposal meets the applicable requirements with conditions of approval.



The subject property is separated by the Forest zoned land with an easement for Crannog Road and is considered adjacent. Crannog Road is nondedicated private road easement. The applicant will be required to maintain a firebreak of at least 30 feet in all directions. The applicant’s plot indicated they plan on a 30 feet setback from the southern property line. The plot plan indicates the closest edge of the new structure will be 50 feet from Sanders Lake. The proposed dwelling will be 43 feet 6 inches from the southwest corner of the property. The plot plan indicates the proposed structure is 10 feet from the western boundary line, which is the Crannog Road right-of-way. Below are the findings regarding a variance to the fire break setback requirements as required by Section 4.3.225 General Siting Standards (7)(b).

- **SECTION 4.3.230 ADDITIONAL SITING STANDARDS**

*This section has specific siting standards and criteria set by the zoning district for USES, activities and development: \*\*\**

(2) **Rural Residential (RR)** – *The following siting standards apply to all USES, activities and development in the RR zoning districts:*

(a) *Minimum Lot/Parcel Size:*

- i. *5 acres in the RR-5 district*
- ii. *2 acres in the RR-2 district*
- iii. *Exception to minimum lot sizes in Rural Residential:*
  1. *Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.*
  2. *Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be*

- combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.*
3. *Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.*
  4. *Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:*
    - a) *The subject property is not zoned for resource use;*
    - b) *An existing dwelling (lawfully established, but not for temporary purposes) was sited prior to January 1, 1986, and will remain sited on each proposed parcel; and*
    - c) *A land division is submitted and approved by Coos County pursuant to the current standards with the exception on the minimum parcels size.*

*(b) Setbacks – No additional setback requirements.*

*(c) Building Height – No additional Requirements.*

*(d) Density or Size limits -*

- i. *Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance.*
- ii. *If lawfully created parcels are less than one acre in size and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.*

**FINDING:** There is only one conventional Single Family Dwelling proposed. No new lot creation is proposed. The applicant’s plot indicated they plan on a 30 feet setback from the southern property line. The plot plan indicates the closest edge of the new structure will be 50 feet from of Saunders Lake. The proposed dwelling will be 43 feet from the southwest corner of the property. There has been past removal of riparian vegetation along Saunders Lake on the subject property. The destroy riparian vegetation abutting Saunders Lake will need to be replanted prior to requesting a zoning compliance letter. Therefore, these criteria have been addressed.

***SECTION 4.11.125 Special Development Considerations:***

*The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.*

**BEACH AND DUNES AREAS WITH LIMITED DEVELOPMENT SUITABILITY CRITERIA**

***4.11.129 Beaches and Dunes (Policy 5.10)***

*The Beaches and Dunes map has inventoried the following:*

- *Beaches and Dunes*
  - *Suitable for most uses; few or no constraints (Does not require a review)*
  - *Limited Suitability; special measures required for most development*
  - *Not Suitable for Residential, commercial or Industrial Structures*

***Purpose Statement:***

*Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled “Development Potential within Ocean Shorelands and Dunes” and the boundaries delineates the following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.*

- a. *Limited Suitability: “Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.*

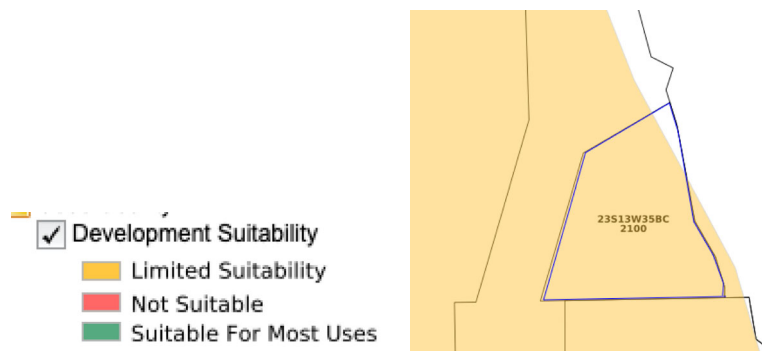
*The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.*

*Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.*

- i. *Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:*
  - a) *The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
  - b) *The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
  - c) *The need for methods for protecting the surrounding area from any adverse effects of the development; and*
  - d) *Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*
- ii. *Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:*

- a) *Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
- b) *The exposure of stable and conditionally stable areas to erosion;*
- c) *Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
- d) *Any other development actions with potential adverse impacts.*

**Finding: The applicant submitted a site investigation report for the proposed dwelling as it is located within the limited suitability for Beaches & Dunes overlay zone.**







The site investigation report was performed by SHN Engineering & Geologists and is written and stamped by Giovanni Vadurro, Certified Engineering Geologist #2385. The engineering geologist acknowledged the applicant’s proposal is to install a new “two-story garage/residence at the above referenced subject property”, and the site investigation report is based on this proposed use. According to the geological report, a preliminary site visit by SHN was conducted on May 26, 2021.

The dune formation on the subject property is classified as both a DUNE, CONDITIONALLY STABLE: A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover. This type of dune formation is classified as a limited suitability for development since it does not fit the definition of ‘beaches and dunes area unsuitable for development’ per Coos County Comprehensive Plan 5.10.3.iv.a.3.

DUNE LEGEND	
B	Beach
CT	Coastal terrace
DC	Dune complex of OS, OSC, DS, and W
DS	Younger stabilized dunes
FD	Recently stabilized foredunes
FDA	Active foredunes
H	Active dune hummocks
IFD	Inland foredune
M	Mountain scarp
ODS	Older stabilized dunes
OFD	Older foredunes
OS	Open dune sand
(OS)	Designates items of secondary importance
OSC	Open dune sand conditionally stable
W	Wet interdune
WDP	Wet deflation plain
WFP	Wet flood plain
WMF	Wet mountain front
WSP	Wet surge plain

GENERAL LEGEND	
	Dune or interdune boundary
	Dune movement threatening or stable dune being wind eroded
	Ocean or river undercutting
	Lakes or ponds



The engineering geologist also furthered noted that the *“Based on the current geologic conditions and the property's distance from the nearest active dune, and shoreline, and elevation of the site relative to Saunders Lake, we conclude that the planned development can be constructed at the owner's proposed location such that it will not be subject to or create any adverse effects to the site or adjacent areas”*. The engineering geologist noted the structure *“should be designed to resist earthquake loading in accordance with the applicable portions contained in the 2019 OSSC”*. Staff was unable to locate the proposed foundation design in the site evaluation report. As a condition of approval, the applicant/landowner shall provide a post-construction engineering report that the foundation of the home is indeed suitably designed and constructed for the soil and subsurface conditions. This report must be signed and stamped by either a licensed Oregon Professional Engineer with a Geotechnical Engineer certification, or a Certified Engineering Geologist and state CEG qualifications to design a foundation. This report will ensure that the proposed use does not have an adverse impact on the subject property. Therefore, (a)(i)(a) criteria has been addressed.

The site investigation report noted that *“The existing ground surface at the subject parcel site lacks evidence of active eolian (wind-driven) transport, such as, unvegetated sand accumulations, active dune formation and migration, or ablation surfaces. Our review of aerial imagery dating back to 1994 indicates that the active back dune located west of the Crannog Road has not encroached towards the site. Vegetation on the east facing slope of the active dune complex appears to have become more established since that time which has resulted in the stabilization of the nearest dune crest”*. The engineering geologist also stated in their report that *“Temporary and/or permanent stabilization programs are not required, and the planned construction will not require methods for protecting the surrounding area from any adverse effects of the development”*. Therefore, (a)(i)(b) criteria has been addressed.

The site investigation report stated that *“No wet areas or standing water was apparent on the day of our site visit at the project site. No surface erosion or evidence of concentrated surface runoff is evident at the site. It appears that stormwater runoff occurs primarily by infiltration into the subsurface and by sheet flow toward to Saunders Lake. Based on the site's elevation below the neighboring parcel to the south, it would appear that no stormwater runoff could adversely affect neighboring properties or Crannog Road”*. The engineering geologist further states that *“Temporary and/or permanent stabilization programs are not*

*required, and the planned construction will not require methods for protecting the surrounding area from any adverse effects of the development”.* Therefore, (a)(i)(c) criteria has been addressed.

The engineering geologist also noted that *“it is our professional opinion that no hazard to life, public and private property, or the natural environment will be caused by the proposed use”.* Therefore, (a)(i)(d) criteria has been addressed.

Coos County coordinates planning applications with various local, state, and federal agencies/entities. Coos County did not receive any responses in regards to this application. Therefore, (a)(ii)(a)-(d) criterion has been addressed.

#### ***4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)***

*The Coastal Shoreland Boundary map has inventoried the following:*

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*
- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*
- *Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands*
- *Headland Erosion*

#### ***Purpose Statement:***

*Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.*

*Coos County shall consider:*

- i. *"Major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;*
- ii. *"Significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;*

- iii. *"Coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;*
- iv. *"Exceptional resources Aesthetic or Scenic Quality" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and*
- v. *"Historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.*
  - a. *Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.*
  - i. *Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:*
    - a) *Farm uses as provided in ORS 215;*
    - b) *Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.*
    - c) *private and public water dependent recreation developments;*
    - d) *aquaculture;*
    - e) *water-dependent commercial and industrial uses and water-related uses are allowed only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;*
    - f) *single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or*
    - g) *any other uses, provided that the Board of Commissioners determines that such uses:*
      - a. *Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;*
      - b. *Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat;*
      - c. *The "other" use complies with the implementation standard of the underlying zone designation; and*
      - d. *In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.*

**FINDING: The applicant is requesting to build a Single Family Dwelling. The CSB boundary is approximately 50 feet from the edge of Saunders Lake. Based on the plot plan, the applicant is**

**proposing to place the dwelling approximately 50 feet from edge of Saunders Lake. The dwelling may be located outside of the Coastal Shoreland Boundary. However, the applicant will need to remove and maintain vegetation within the CSB in perpetuity. The applicant/landowner is authorized to maintain the 30 feet of CSB area next to the structure for fuel break area. Therefore, these criteria have been addressed.**

*ii. A site plan and design review is only necessary when required in Coos County Comprehensive Plan Volume I Part 2 § 3.5: Structures associated with the above uses, with the exception of farm and forest uses, shall only be permitted after an Administrative Conditional Use Review or higher review addressing the criteria and requirements of this subsection below and upon a finding that such uses do not otherwise conflict with the Special Development Considerations and Overlay Zones found in this Ordinance.*

*a) Site Review and Approval Criteria.*

*Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.*

*Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this section. Proposed “substantial changes” shall be submitted to the Planning Director for approval.*

*All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.*

*These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under for this review:*

*1. Landscaping*

- a. The landscape shall be such to minimize soil erosion and lessen the visual impact;*
- b. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

**FINDING: The applicant stated the following: “We plan on leaving all current native bushes and shrubs on all sides of the lot. We have removed existing blackberry bushes on the northern side that have been taking over existing shrubs and parts of the lot. There will be no grade changes or major excavation for the new construction”. The applicant will be required to maintain a 30 feet fuel break vegetation management area into the CSB.**

*2. Structures*

- a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;*
- b. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings*

*and the creation of focal points with respect to avenues of approach, terrain features or other buildings.*

**FINDING:** The applicant stated the following: *“The existing two shed buildings will be removed with construction of the new structure. We plan to relocate the metal shed carport to the north side as detailed on the site map. It is a freestanding structure without flow held by ground anchors”*. The applicant is removing structures without any approval that were development in both the floodplain and the CSB. Removing these structures will bring the property back into compliance. The applicant stated they are placing a ‘freestanding structure’ on the northern portion of the property. The ‘freestanding structure’ is a regulate land use. The land use still complies with the regulations of the Coos County Zoning & Land Development Ordinance.

3. *Drives, Parking and Circulation*

*With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and must comply with the standards found in Chapter VII. The Roadmaster is responsible for determining compliance with this subsection.*

**FINDING:** The applicant stated the following: *“We have met with the roadster and the current driveway is compliant.”* As a conditional of approval, the landowner will be required to acquire a Driveway/ Access Parking/Access permit application, which shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.

4. *Surface Water Drainage*

*Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*

**FINDING:** The applicant submitted the following: *“There is a pre-established grade and the existing ¾ minus will continue to serve as the current drainage, not to create any environmental problems.”* According to the geological report, the *“ground surface and building pad at the site is nearly level to less than about 2 percent”*. The geological report also noted that *“No wet areas or standing water was apparent on the day of our site visit at the project site. No surface erosion or evidence of concentrated surface runoff is evident at the site. It appears that stormwater runoff occurs primarily by Infiltration into the subsurface and by sheet flow toward to Saunders Lake. Based on the site's elevation below the neighboring parcel to the south, it would appear that no stormwater runoff could adversely affect neighboring properties or Crannog Road.”* Therefore, this criterion has been addressed.

5. *Utility Service*

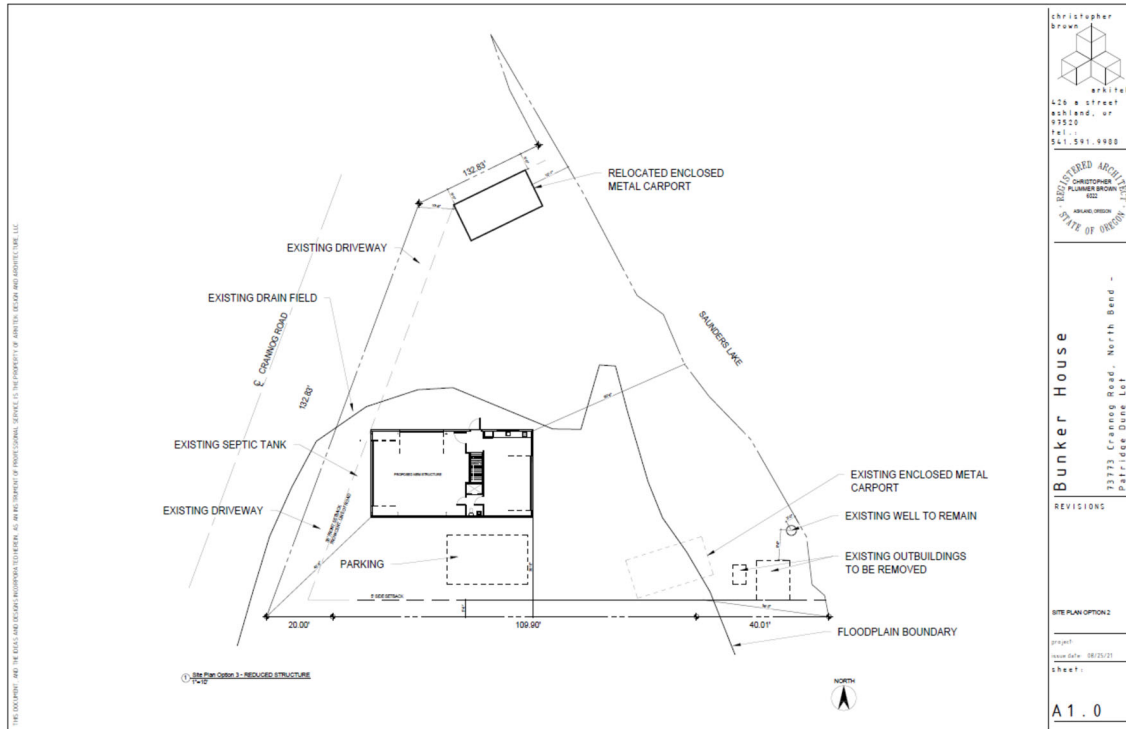
- a. *Whenever feasible, electric, telephone and other utility lines shall be underground;*
- b. *Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;*
- c. *The proposed method of sanitary sewage disposal from all buildings shall be indicated.*

**FINDING:** The applicant stated the following: *“All utilities are currently underground from the*

***prior residential structure that existed.”***

- b) *Application Submittal and Review Procedure.*
1. *Submission of Documents - A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:*
    - a. *A site plan, drawn to scale, shows the proposed layout of all structures and other improvements;*
    - b. *A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials;*
    - c. *Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction;*
    - d. *Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors;*
    - e. *An application request which shall include:*
      - 1) *Name and address of applicant;*
      - 2) *Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in case the applicant is not the owner, verification of the owner's consent;*
      - 3) *Address and legal description of the property;*
      - 4) *Statement explaining the intended request;*
      - 5) *The required fee; and*
      - 6) *Any other materials or information as may be deemed necessary to assist in evaluation of the request. The request will be made prior to deeming the application complete. However, if this review is before the hearings body they may request for additional information to ensure compliance.*

**FINDING: The applicant submitted an application on the form prescribed by Coos County Planning Department. The submit the following plot plan as part of the application.**



2. *Threshold Standard. The Planning Director has the discretion to waive part or all of the site plan requirements if, in the Director's judgment, the proposed development is "de minimis" in extent to the existing development.*

- b. *Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:*
  - i. *That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;*
  - ii. *That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;*
  - iii. *That the new land divisions are in a documented area, "committed" area; or*
  - iv. *That the new land divisions have been justified through a goal exception.*
- c. *Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):*
  - i. *promote uses, which maintain the integrity of estuaries and coastal waters;*

- ii. *provide for water-dependent uses;*
- iii. *provide for water-related uses;*
- iv. *provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;*
- v. *provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;*
- vi. *permit nondependent, nonrelated uses, which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.*

**FINDING: The applicant is requesting to construct a Single Family Dwelling. There are multiple other Single Family Dwellings in this area. These dwellings are not considered water-dependent or water-related uses. However, these dwellings along Crannog Road often are utilized for recreational uses which is consistent with the objectives of the CSB.**

*In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes Statewide Planning Goal #17 requirements.*

- d. *Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.*
- e. *Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.*

*Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to*

*maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.*

*This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.*

**FINDING: The applicant is authorized to modify and maintain the 30 feet of wildfire setback in the CSB as required by Section 4.3.225(7)(b). The applicant stated the following: “We do not intend to remove riparian vegetation to achieve construction. The current lot and building envelope is flat and free of vegetation.” Therefore, this criterion has been addressed.**

#### **4.11.132 Natural Hazards (Balance of County Policy 5.11)**

*Coos County has inventoried the following hazards:*

- *Flood Hazard*
  - *Riverine flooding*
  - *Coastal flooding*
- *Landslides and Earthquakes*
  - *Landslide Susceptibility*
  - *Liquefaction potential*
- *Tsunamis*
- *Erosion*
  - *Riverine streambank erosion*
  - *Coastal*
    - *Shoreline and headlands*
    - *Wind*
- *Wildfire*

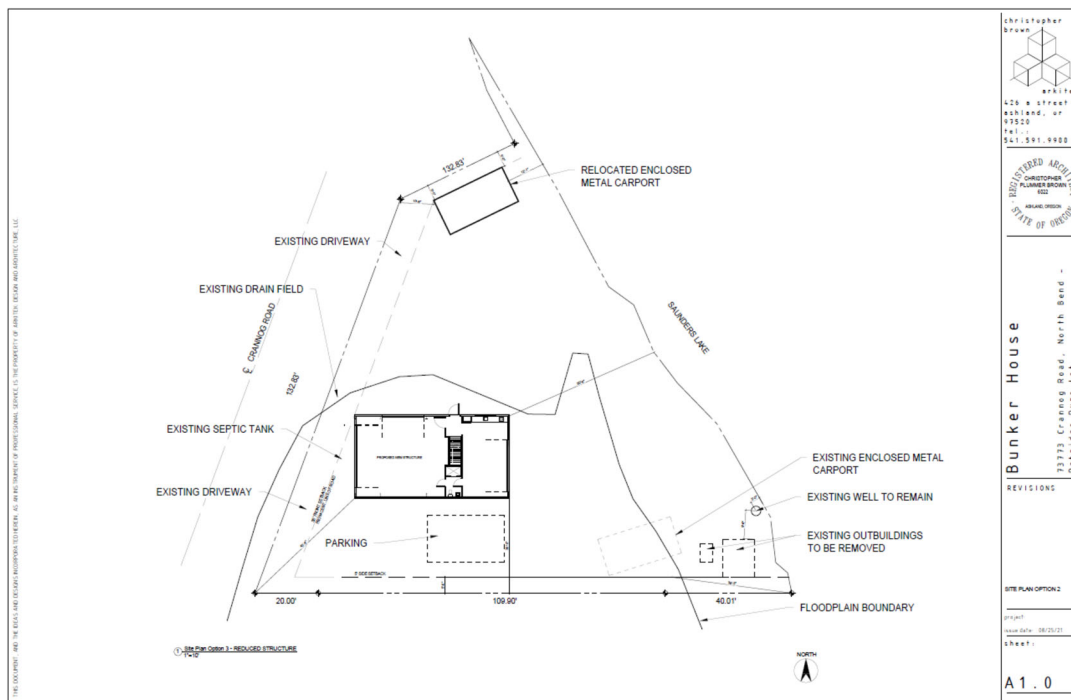
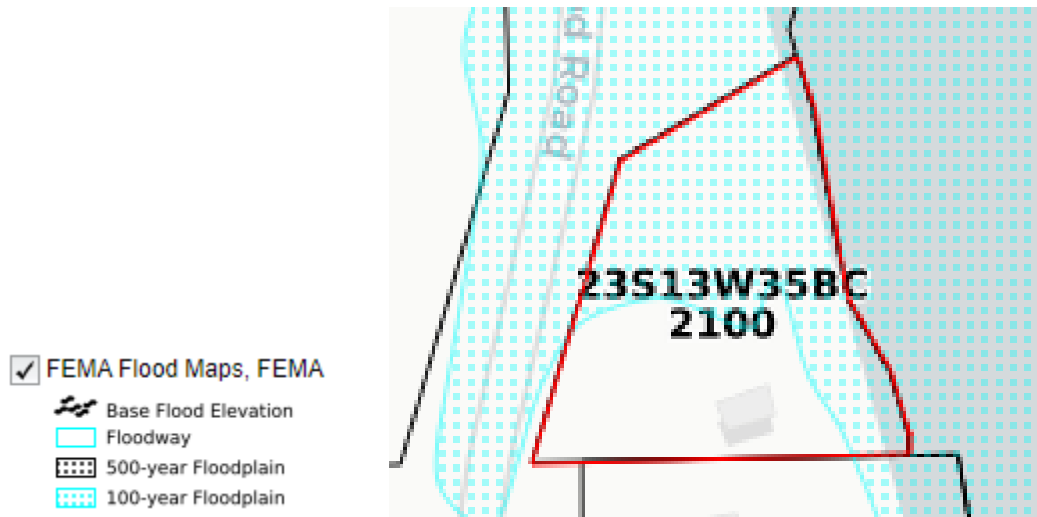
*Purpose Statements:*

*Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.*

*This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.*

*a. Flooding: Coos County shall promote protection of valued property from risks associated with river and coastal flooding along waterways in the County through the establishment of a floodplain overlay zone (FP) that conforms to the requirements for participation in the National Flood Insurance Program. See Sections 4.11.211-257 for the requirements of this overlay zone. See Sections 4.11.211-257 for the requirements of this overlay zone.*

**FINDING: There is floodplain on the subject property.**



**Based on the plot plan, Staff could make findings the proposed dwelling location will be outside of the floodplain. The ‘metal carport’ that was identified on the plot plan was identified in the application as a “free-standing structure”.**

*b. Landslides and Earthquakes*

*Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as*

*potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”*

*Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.*

## **ARTICLE 5.11 GEOLOGIC ASSESSMENT REPORTS**

### **SECTION 5.11.100 GEOLOGIC ASSESSMENT REQUIREMENTS**

- 1. Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.*
- 2. The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant’s expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include an analysis of the risk of geologic hazards on the subject property including the upslope and downslope properties that may be at risk from, or pose a risk to, the use and/or activity. The geologic hazard assessment shall also address the erosion impacts, any increase in storm water runoff, and any diversion or alteration of natural storm water runoff patterns resulting from the use and/or activity. The geologic hazard assessment shall include one of the following:
  - a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;*
  - b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or*
  - c. A certification that there are no geological hazards present on site. If such is certified by a licensed profession then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.**
- 3. If the assessment identifies any past or present risk then an administrative conditional use is required to evaluate such risk and if mitigation measures are necessary to ensure that proposed development can be safely sited. The assessment shall describe and recommend how the proposed use and/or activity will be adequately protected from geologic hazards, including land sliding and sloughing, soil erosion or deposition, and earthquakes.*

*If structural requirements are part of the recommendation, then as a condition of approval, an engineering geologic report consistent with standard geologic practices and generally accepted scientific and engineering principles is required and shall, at a minimum, be consistent with the Oregon State Board of Geologist Examiners “Guidelines for Preparing Engineering Geologic Reports in Oregon”. This shall be supplied to the planning department to be attached to a zoning compliance before a building permit may be obtained.*

SECTION 5.11.200 GEOTECHNICAL APPLICATION REVIEWS

*An application for a geotechnical review shall be reviewed under an administrative conditional use procedure unless Section 5.11.100.2 applies.*

1. *A geologic hazard assessment shall be deemed complete if the geologic report meets the content standards listed in Section 5.11.300.*
2. *Specific recommendations contained in the geologic report shall be incorporated into the approval as conditions. Based on content, recommendations and conclusions of the geotechnical report, the decision maker may apply other reasonable conditions.*
3. *The specific recommendations contained in the geotechnical report, and conditions applied to the geologic hazard permit shall be incorporated into the plans and specifications of the development which is the subject of the development permit.*
4. *The review requires an administrative application and all components shall be submitted with the Coos County Zoning and Land Development Ordinance (CCZLDO) §5.0.150 and Section 5.11.300. This review will be processed in accordance with Article 5.2.*
5. *At the discretion of the decision maker and at the applicant's expense, it may be required to have an evaluation of a geologic assessment by another expert as part of the review of a land use application located in an area subject to this section. The results of that evaluation shall be used in making the final decision on the effected land use application.*
6. *If § 5.11.100.2.b applies then prior to approval of the use and/or activity, the applicant shall provide a mitigation plan specific to the use and/or activity, including land divisions, and the approved geologic hazard mitigation report shall address the following:*
  - a. *The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and must identify any potential appropriate protection methods for the subject property;*
  - b. *The mitigation plan shall specify which, if any, measures and improvements must be installed or constructed under the direction of a supervising engineer;*
  - c. *The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of the property owners to refrain from interfering with such measures or improvements and to maintain them; and*
  - d. *A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.*

SECTION 5.11.300 APPLICATION AND DEVELOPMENT STANDARDS FOR GEOTECHNICAL APPLICATIONS:

*The review and approval of a conditional use in a Geologic Hazard Special Development Consideration area shall be based on the conformance of the proposed development plans with the following standards. Conditions of approval may be imposed on the development permit to assure that the development plan meets the standards of this section and to prevent the creation of a hazard to public or private property.*

1. *All Geologic Assessments are valid as prima facie evidence of the information therein contained for a period of five (5) years. Coos County assumes no responsibility for the quality or accuracy of such reports.*
2. *The geologic assessment shall include the following:*
  - a. *A topographic plot plan that shall include to scale:*
    - i. *All adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from, or posing a risk to, the use and/or activity;*
    - ii. *The degree of slope on the subject and adjacent properties;*

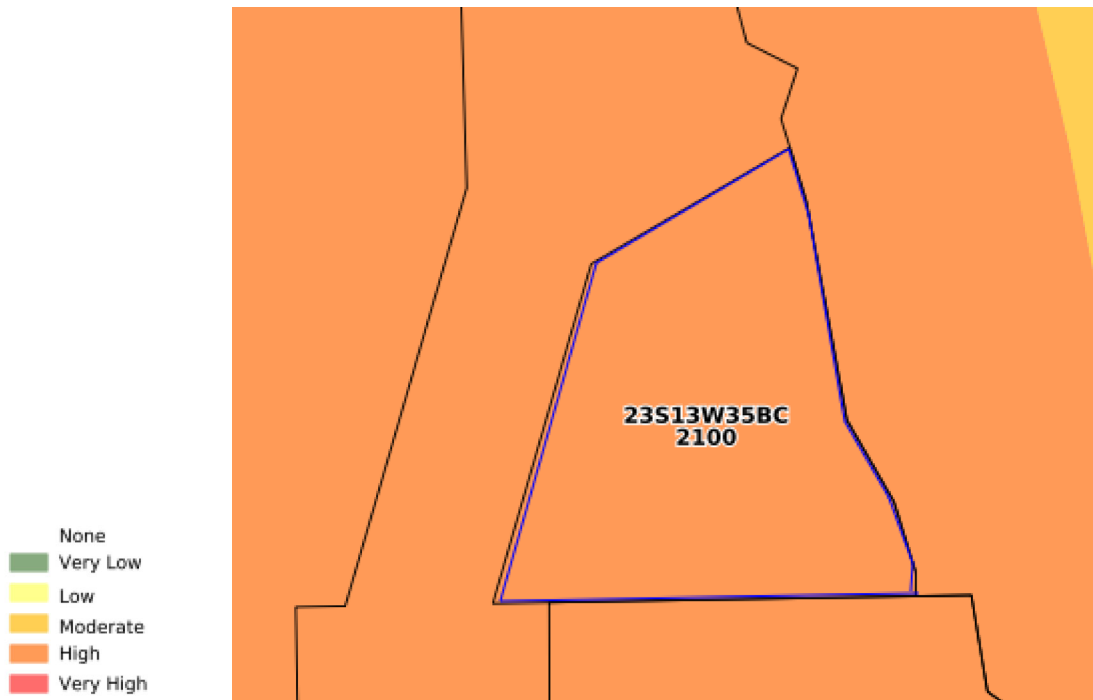
- iii. *All features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;*
  - iv. *The location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards;*
  - v. *All on site or adjacent features or conditions, which contribute to the hazard or risk from the hazard(s); and*
  - vi. *A map that depicts features and conditions associated with any building site or construction site associated with the development activity.*
- b. *A technical analysis and narrative describing the following:*
- i. *The geologic features or conditions of the property as well as those features or conditions which gave rise to the hazard from the use and/or activity;*
  - ii. *All features related to earth movement or geologic instability on adjacent touching parcels or lots to the site;*
  - iii. *The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;*
  - iv. *Whether the proposed development activity can be sited in a manner to mitigate the substantial risk to the subject property in view of the geological hazards and risks that have been identified in the geologic assessment;*
  - v. *All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;*
  - vi. *A clear statement of all requirements or conditions on the use and/or activity that the geologist has determined are necessary to mitigate the geologic hazards that require mitigation; and*
  - vii. *A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.*
3. *Additional Standards for Oceanfront Development. In addition to the requirements set forth in this subsection, geotechnical assessments for lots or parcels abutting the ocean shore shall include the following information, analyses, and recommendations:*
- a. *Site description:*
- i. *The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site;*
  - ii. *Topography, including elevations and slopes on the property itself;*
  - iii. *Vegetation cover;*
  - iv. *Subsurface materials – the nature of the rocks and soils;*
  - v. *Conditions of the seaward front of the property, particularly for sites having a sea cliff;*
  - vi. *Description of streams or other drainage that might influence erosion;*
  - vii. *Description of any shore protection structures that may exist on the property; and*
  - viii. *Presence of pathways or stairs from the property to the beach.*
- b. *Analyses of erosion and flooding potential:*
- i. *Analysis of DOGAMI beach monitoring data for the site, if available;*
  - ii. *Analysis of possible mass wasting, including weathering process, land sliding, or slumping;*

- iii. *Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 2006<sup>1</sup>);*
  - iv. *Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy;*
  - v. *For dune-backed shoreline, use established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during a site visit, aerial photo analysis, and/or analysis of DOGAMI beach monitoring data;*
  - vi. *For bluff-backed shoreline, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion; and*
  - vii. *Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.*
- c. *Assessment of potential reactions to erosion episodes:*
- i. *Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods); and*
  - ii. *Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.*
- d. *Recommendations:*
- i. *Use results from the above analyses to establish setbacks (beyond any minimums set by this section), building techniques, or other mitigation to ensure an acceptable level of safety and compliance with all local requirements;*
  - ii. *Recommend a plan for preservation of vegetation and existing grade within the setback area, if appropriate;*
  - iii. *The applicant may apply for a variance if the recommendations show that a reduction to a property setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard; and*
  - iv. *Recommend methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system), or if not possible, to direct water in such a way so as to not cause erosion.*

**FINDING: There is the Landslides and Earthquakes Special Development Consideration on the subject property. The subject property is entirely mapped within the High liquefaction consideration. Below is a map showing the location of the consideration.**

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<sup>1</sup>Stockdon, Hilary F., Rob A. Holman, Peter A. Howd, and Asbury H. Sallenger. "Empirical Parameterization of Setup, Swash, and Runup." *Coastal Engineering*, 2006, 573-88. Accessed January 14, 2016. [https://www.researchgate.net/publication/223784721\\_Empirical\\_parameterization\\_of\\_setup\\_swash\\_and\\_runup\\_Coast\\_Eng](https://www.researchgate.net/publication/223784721_Empirical_parameterization_of_setup_swash_and_runup_Coast_Eng).



The geologic hazard assessment report was prepared by Giovanni Vadurro, E 2385 prepared the report. The report did not state the qualifications of Mr. Vadurro for preparing the report. However, Staff finds that the Mr. Vadurro, being a Certified Engineering Geologist by the Oregon Board of Geology Examiners, may have sufficient qualifications for preparing this report.

The report is dated August 1, 2022 and this report is valid for 5 years from this date. However, there is beaches and dunes site investigation report as part of this application. That site investigation report is dated June 28, 2021 and is only valid until June 28, 2026.

The applicant engineering geologist, Giovanni Vadurro – E 2385, stated the following *“Based on our field investigation, geologic map review, and assessment of geologic conditions, we certify that there is an extremely low likelihood for soil liquefaction to occur at this site, and that there are no high or very high geological hazards directly associated with effects of liquefaction present on site. We conclude, therefore, that the proposed structure may be constructed at the owner’s chosen location such that it will be safeguarded from unreasonable risk from local geological and geotechnical hazards. The building’s use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity”.*

Therefore, this subject property does not require any hazard mitigation measures during the construction process.

- ARTICLE 5.3. VARIANCES
- SECTION 5.3.100 GENERAL:

*Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or*

*practical difficulties. The authority to grant variances does not extend to use regulations, minimum lot sizes or riparian areas within the Coastal Shoreland Boundary.*

- *SECTION 5.3.150 SELF-INFLICTED HARDSHIPS:*

*A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant, current owner(s) or previous owner(s) willful violation.*

*This does not mean that a variance cannot be granted for other reasons.*

- *SECTION 5.3.200 VARIANCE:*

*The Planning Director shall consider all formal requests for variances for zoning and land development variances.*

- *SECTION 5.3.350 CRITERIA FOR APPROVAL OF VARIANCES:*

*No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;*

- 1. Both findings “a” and “b” below are made:*
  - a. One of the following circumstances shall apply:*
    - i. That a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance;*
    - ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or*
    - iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;*
  - b. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*
- 2. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*
- 3. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made: “the variance will not create a hazard to air navigation”.*
- 4. In lieu of the criteria in (1) above, an application for a variance to the /FP zone requirements shall comply with Section 4.6.227.*
- 5. Variance regulations in CCZLDO Article 5.3 shall not apply to Sections 4.11.400 through 4.11.460, Chapter VII and Chapter VIII.*

- *SECTION 5.3.360 EXPIRATION AND EXTENSION OF VARIANCES:*

*Variances are not subject to expiration dates.*

**FINDING:** The subject property was created pursuant to 6.1.125.1.e, by deed or land sales contract, if there were no applicable planning, zoning and subdivision or partition ordinances or regulations that prohibited the creation. This property was found to be lawfully created by deed 69-2-35895. This property is considered a non-conforming unit of land.

The subject property is a triangular shaped unit of land. The eastern boundary borders Saunders Lake. The western property boundary borders Crannog Road. The property's southern boundary borders an adjacent residentially development property.

The eastern borders Saunders Lake, which is a coastal lake and thus there is Coastal Shoreland Boundary overlay on the subject property. Overall, throughout Coos County, the CSB is not a fixed setback distance, but rather a variable distance. The CSB overlay zone for this particular property is 50 feet from the high-water mark of Saunders Lake. Based on the plot plan, the applicant is proposing to place the nearest point of the structure 50 feet from the high water line. Staff is not issuing a variance to build a structure within 50 feet of the high-water mark.

The other setback distance will be 35 feet from the centerline of a road-of-way. The western boundary of the subject property abuts Crannog Road. Based on Assessor records, Crannog Road is 50 feet wide right-of-way and therefore 35 feet is 10 feet beyond the property line. Based on the applicant's plot plan, the dwelling is located 10 feet from the western property line.

The western edge borders a Forest zone, therefore Section 4.3.225 General Siting Standards (7)(b) requiring a 30 feet fire break applies to the subject property. The intent of the fire break to fuel break where there is not dense vegetation immediately next the structures. The applicant will be required to provide these 30 feet fuel breaks around all structures. The proposed dwelling is located 10 feet from the western property line. Usually, when the applicant proposes to develop within the 30 feet buffer. Staff requires the landowner to acquire a vegetation management easement on the adjacent neighboring property. However, adjacent to this property line is Crannog Road.

Staff finds that given the need to protect the 50 feet CSB overlay; given the benefit of the 30 feet vegetation fuel break management area being created on the southern boundary protecting the adjacent residential development from fire risk; given the 10 feet setback from the western property line still provides a 35 feet setback from the road centerline; given the proposed dwelling location is outside of the mapped floodplain hazard area; and given the fact the 20 feet of missing fuel break is within a County right-of-way which is developed with a roadway and shoulder. Staff finds that the requested variance meets the objectives of comprehensive plan for protecting adjacent forest lands from wildfires, and vice-versa. The 30 feet fuel break requirement is derived from the Coos County Comprehensive Plan Volume 1 Part 1 5.4 Forest Lands – Plan Implementation Strategies (3):

*Coos County shall require all new residential development that is on lots, parcels or tracts within or abutting the "F" zone to agree to construct and maintain a firebreak of at least 30 feet in radius around the dwelling prior to completion of the dwelling. A firebreak is defined as an area free of readily inflammable material and may include lawns, ornamental shrubs, and scattered single specimen trees.*

*This strategy recognizes that these protection measures are the minimum necessary to prevent house fires from spreading to forested areas, and vice-versa.*

**Staff also finds, based on the responses above, that the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.**

**IV. DECISION**

In conclusion Staff finds that the applicant has address most of the relevant criteria and the ones that have not been address or cannot be completed until after the approval is obtained have been made conditions of approval. Therefore, the proposed dwelling in Beaches & Dunes, Coastal Shoreland Boundary, Floodplain, and Natural Hazards – Earthquake meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

**V. EXPIRATION:**

*This application type does not have an expiration date however, Geological Reports are only valid for five (5) years.*

This conditional use is for a residential development within the Beaches and Dunes Areas with Limited Development Suitability and is valid for five years for the date of the SHN investigation report, which is Sunday, June 28, 2026.

**VII. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special districts, or parties: Hauser Rural Fire Protection District.

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, Coos County Assessor’s Office and the Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.